

REMARKS

Claims 1-19 are currently pending in the subject application and are presently under consideration. Claims 1-3, 10-15 and 19 have been amended as shown on pp. 2-9 of the Reply. Claim 5 has been canceled. New claims 20-36 have been added. Support for these claims can be found in the specification at pg. 9, line 30-pg. 10, line 25.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-9, 11-17 and 19 Under 35 U.S.C. §102(b)**

Claims 1-9, 11-17 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tsurumaru *et al.* (US Patent 6,302,454). It is respectfully requested that this rejection should be withdrawn for at least the following reasons. Tsurumaru *et al.* does not teach or suggest each and every element as set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant's claimed subject matter relates to a method and system for a proper shut down of host unit(s) having a removable power supply, such as a battery cell. Such shut down minimizes a risk for host unit's data loss and/or cold boot and can occur during or prior to battery removal. Independent claims 1, 11, 14, 15 and 19 recite similar elements, namely: a system for controllably releasing a power supply, comprising: *a host device that employs a computer program while powered by a battery; and; a retaining assembly operatively coupled to the host unit for accepting the battery, the retaining assembly adapted to delay release of the battery from the host device until at least a shut down of the computer program; and wherein the battery comprises a first latch mechanism and a second latch mechanism to delay release of the battery, wherein upon release of the first latch mechanism, the first latch mechanism engages the second latch mechanism to prevent further removal of the battery, and upon release of the*

***second latch mechanism, the second latch mechanism is disengaged, completely releasing the battery.*** Tsurumaru *et al.* does not expressly or inherently disclose the aforementioned novel aspects of applicant's claimed subject matter as recited in the subject claims.

Tsurumaru *et al.* discloses a battery lock mechanism wherein a first operation member and a second operation member are provided in such a relation as to prevent operation of the second operation member unless the first operation member is operated, and a battery accommodated in a battery accommodating unit of a portable device is released from a locked condition by operating the second operation member. Further, a resume switch for starting a resume operation is provided so as to be operated when the first operation member is operated. (See col. 1, line 60-col. 2, line 10).

In contrast, applicant's claimed subject matter discloses a system for detaching a battery from a host unit in a controlled manner after powering down of the unit. The system employs a latch/catch mechanism so that after initiating a powering down for a host unit, there is ample time for a proper shut down, (*i.e.* close of computer programs, applications, or the like without data loss), before removal of the battery or power supply. Accordingly, a risk for a cold boot and/or a power jolt for the host unit is reduced.

The battery cell includes side latch feature that functions as part of a lateral catch/latch mechanism. A strip having a wider width at one end is secured via a pin set over a trough being formed on a surface of the battery cell. The strip can be fabricated from a conductive material such as copper, aluminum or the like. At a selected section along the strip, the metal is curved to form a notch that acts as the secondary latch/catch mechanism described earlier. The pin set secures the strip metal such that it behaves as a cantilever member extending over the trough. This allows for the strip to move downward at a substantially perpendicular direction to the direction that the strip extends. Upon exerting a downward force, such as by pressing of a thumb, part of the strip moves in to the trough, thus lowering notch and disengaging it from contacting a body of the host unit. (See pg. 10, lines 3-14).

Tsurumaru *et al.* merely discloses a battery lock that includes two operation members, wherein the second operation member cannot be operated unless the first operation member is operated, such that a battery will remain locked while in use. This prevents inadvertent releasing of a battery lock mechanism, which causes information in the RAM to be destroyed. Tsurumaru *et al.* does not disclose a system for detaching a battery from a host unit in a controlled manner

after powering down of the unit, wherein the battery employs a first latch mechanism system and a second latch mechanism to delay release of the battery. Accordingly, Tsurumaru *et al.* is silent with regard to a system for controllably releasing a power supply, ***wherein the battery comprises a first latch mechanism and a second latch mechanism to delay release of the battery, wherein upon release of the first latch mechanism, the first latch mechanism engages the second latch mechanism to prevent further removal of the battery, and upon release of the second latch mechanism, the second latch mechanism is disengaged, completely releasing the battery.***

In view of at least the above, it is readily apparent that Tsurumaru *et al.* fails to expressly or inherently disclose applicant's claimed subject matter as recited in independent claims 1, 11, 14, 15 and 19 (and claims 2-9, 12, 13 and 16-17 which respectively depend there from). Accordingly, it is respectfully requested that these claims be deemed allowable.

## **II. Rejection of Claim 10 Under 35 U.S.C. §103(a)**

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tsurumaru *et al.*, in view of Flanigan (US Patent 6,587,951). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Tsurumaru *et al.* and Flanigan, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Flanigan does not make up for the aforementioned deficiencies of Tsurumaru *et al.* with respect to independent claim 1 (which claim 10 depends there from). Thus, the claimed subject matter as recited in claim 10 is not obvious over the combination of Tsurumaru *et al.* and Flanigan, and withdrawal of this rejection is requested.

## **III. Rejection of Claim 18 Under 35 U.S.C. §103(a)**

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tsurumaru *et al.*, in view of Spears *et al.* (US Patent 6,304,981). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Tsurumaru *et al.* and Spears *et al.*, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Spears *et al.* does not make up for the aforementioned deficiencies of Tsurumaru *et al.* with respect to independent claim 15 (which claim 18 depends there from). Thus, the claimed subject matter as recited in claim 18 is not obvious over the combination of Tsurumaru *et al.* and Spears *et al.*, and withdrawal of this rejection is requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP161US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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